

PROPOSED
CHARTER
OF
THE TOWN OF LEBANON,
CONNECTICUT

September 22, 2015

TABLE OF CONTENTS

ARTICLE 1. INCORPORATION AND GENERAL POWERS

ARTICLE 2. TOWN MEETINGS, REFERENDA, PETITIONS

ARTICLE 3. BOARD OF SELECTMEN

ARTICLE 4. THE FIRST SELECTMAN

ARTICLE 5. ORDINANCES

ARTICLE 6. GENERAL ELECTIONS

ARTICLE 7. ELECTIVE OFFICIALS AND AGENCIES

ARTICLE 8. APPOINTIVE OFFICIALS, AGENCIES AND EMPLOYEES

ARTICLE 9. FINANCE AND TAXATION

ARTICLE 10. MISCELLANEOUS

ARTICLE 11. TRANSITION AND IMPLEMENTATION

ARTICLE 12. ORDINANCES SUPERSEDED BY THE CHARTER

ARTICLE 1. INCORPORATION AND GENERAL POWERS

1.1 Incorporation

All residents of the Town of Lebanon, as presently constituted, shall continue to be a body politic and corporate under the name of the "Town of Lebanon", in this Charter called "the Town". As such the Town shall have perpetual succession and may hold and exercise all powers and privileges granted to towns by the Constitution of the State of Connecticut, the general law of the State of Connecticut not inconsistent with this Charter, and by this Charter.

1.2 Rights and Obligations

All property interests, both real and personal, all actions, rights of action and rights of every description and all securities and liens vested or inchoate which the Town possesses as of the effective date of this Charter shall be continued in the Town. The Town shall continue to be liable for all debts and obligations of every kind for which the Town shall be liable on said date. Nothing herein shall be construed to affect the right of the Town to collect any assessments, charge, debt or lien. If any contract has been entered into by the Town prior to the effective date of this Charter or any bond or undertaking has been given by or in favor of the Town which contains a provision that the same may be enforced by any commission, board, department or officer therein named, which is abolished by the provisions of this Charter, such contracts, bonds or undertakings shall be in no manner impaired but shall continue in full force and effect and the powers conferred and the duties imposed with reference to the same upon any such commission, board, department or officer shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Board of Selectmen of the Town.

1.3 General Grant of Powers

In addition to all powers granted to towns under the Constitution, the Connecticut General Statutes and general law, and to the Town by this Charter, the Town shall have all powers fairly implied or incident to the powers expressly granted and all other powers incident to the management of the property, government and affairs of the Town, including the power to enter into contracts with the United States or any federal agency, the State of Connecticut or any political subdivision, agency or instrumentality thereof for purposes not prohibited by law. The enumeration of specific powers in this and any other chapter of this Charter shall not be construed as limiting this general grant of powers but shall be considered as in addition thereto.

1.4 Definitions

As used in this Charter:

1. "agency" means any elective or appointive Town board, commission, committee or official of the Town.
2. "Town Meeting" is the legislative body of the Town and shall have the power and authority provided in this Charter and the Connecticut General Statutes.
3. "Annual Town Budget" has the meaning ascribed to it in Article 9 of this Charter, and is comprised of the Board of Education Operating Budget, the Town Operating Budget, and the Non-Operating Budget.
4. "Public Hearing" shall mean a hearing, open to the public, notice of which shall be given at least eight (8) days in advance by publication in at least one (1) newspaper having general circulation in the Town and by posting a notice in a public place, or as otherwise specified by

Connecticut General Statutes.

5. "appropriation" means an authorization granted by a Town Meeting to expend Town funds and / or to incur obligations for specific governmental purpose in accordance with Article 9 of this Charter.
6. "shall" connotes a mandatory action.
7. "may" connotes a permissive action.
8. "Connecticut General Statutes" means the Connecticut General Statutes, as the same may be amended from time to time.
9. "Constitution" means the Constitution of the State of Connecticut, as amended.
10. "elector" means any person possessing the qualifications described by Article Six of the Constitution and applicable Connecticut General Statutes and duly admitted to, and entitled to exercise, the privileges of an elector in the Town.
11. "qualified voter" means any person eligible to vote at a Town Meeting in accordance with the eligibility requirements of Section 7-6 of the Connecticut General Statutes
12. "holiday" has the meaning ascribed to it in Section 1-4 of the Connecticut General Statutes.
13. "full majority" is that number that is a majority of the full membership of an agency of the Town, including vacant positions.
14. "full super-majority" is that number that is one more than a full majority of agency of the Town.
15. "quorum" is a full majority of an agency of the Town.

ARTICLE 2. TOWN MEETINGS, REFERENDA, PETITIONS

2.1 Legislative Power

The legislative powers of the Town, to the extent specified in this Article, shall be vested in the Town Meeting.

2.2 Annual Town Meeting and Special Town Meetings

The Annual Town Meeting, which shall also be the Annual Budget Meeting, shall be held on the first Monday of May for consideration of the Annual Town Budget and such other business as the Board of Selectmen shall state in the call of the meeting. The Annual Town Meeting shall also include an agenda item to consider any other business proper to come before said meeting.

Special Town Meetings shall be called by the Board of Selectmen pursuant to the terms of this Charter and in the manner provided by the Connecticut General Statutes.

Upon an affirmative vote of those qualified voters present and voting, any Town Meeting may be adjourned to a specific day and time.

2.3 Procedure

All Town Meetings shall be called to order by the First Selectman, or by the Deputy First Selectman if the First Selectman cannot be present, unless the Deputy First Selectman cannot be present, in which case by another Selectman designated in writing by the First Selectman. All Town Meetings shall be presided over by a moderator who shall be elected at the Town Meeting from among the qualified voters present. If a Town Meeting is adjourned, the moderator of the original Town Meeting shall continue to serve as moderator of the adjourned

Town Meeting. If a Town Meeting is adjourned to a referendum, the moderator shall continue to serve as moderator of the referendum.

The latest edition of Robert's Rules of Order shall govern the conduct of all Town Meetings. The Clerk of the Town Meeting shall be the Town Clerk; if absent, the Town Clerk's designated representative, and if there be no designated representative, an elector selected by the Town Meeting for such purpose. This person shall be responsible for recording all pertinent discussion and information in an accurate and detailed manner.

2.4 When Action by Town Meeting Is Required

A Town Meeting shall be required for approval of any of the following:

1. The Annual Town Budget;
2. The issuance of bonds and other forms of financing supplemental to those provided in the Annual Town Budget which increases total supplemental appropriation in the current or future fiscal years;
3. Any appropriation supplemental to those provided in the Annual Town Budget which increases total supplemental appropriations in the current year unless otherwise specified in this Charter;
4. Real estate purchased by the Town for a price in excess of \$10,000;
5. Sale of any Town-owned real estate assessed at more \$10,000 on the most recent grand list;
6. The creation, consolidation or abolition of any permanent board, commission, department or agency not otherwise provided for in this Charter;
7. The creation of a building committee, or any commission authorized to spend Town funds;
8. Real estate leases and/or lease options to which the Town is a party and which involve a term in excess of one (1) year;
9. Such matters or proposals as may be required by the provisions of this Charter, or as the Board of Selectmen, in its sole discretion, shall deem to be of sufficient importance to be submitted to a Special Town Meeting, including recommendations by the Board of Selectmen for the adoption or repeal or modification of any Ordinance;
10. Appropriations for capital and non-recurring expenses not covered under standard budgeting process in this Charter;
11. The application for, or participation in any federal, state, or private grant program, excluding the Board of Education, that requires appropriations not in the current Annual Town Budget;
12. The discontinuance or abandonment of Town roads or acceptance of new Town roads provided that any road so accepted 1) complies with Planning and Zoning regulations, 2) is certified by the Town Engineer as having been constructed in accordance with Town Standards, 3) is evidenced by proper deeds, which have been approved by the Town Counsel and delivered to the Board of Selectmen. Upon acceptance, the deed(s) shall be recorded on the land records of the Town.
13. Any capital project for which the entire project tax burden is more than five (5) percent (5%) of the current year total tax burden must be approved by a majority vote of the qualified voters at the Annual Town Meeting, unless consideration of such project has been petitioned to a special Town Meeting in accordance with Section 2.7 of this Charter, or at any referendum to which said meetings may be adjourned, before any funds may be expended for said project.

2.5 Appropriation or Other Action Requiring Referendum

Referenda shall utilize a voting technology or methodology approved by the Connecticut Secretary of State for use in an election, as defined in Section 9-1(d) of the Connecticut General Statutes, between the hours of 6 a.m. and 8 p.m.

No referendum shall be held on a Monday or a day following a holiday.

A referendum shall be required in the following instances:

1. After being recommended by the Board of Selectmen and after reasonable discussion at a Town Meeting, any appropriation or any authorization for the issuance of bonds, notes, or other borrowing with the exception of tax anticipation notes, which is more than five (5) percent (5%) of the current year total tax burden shall be subject to referendum as follows: after other business has been completed, the moderator shall adjourn the Town Meeting to reconvene at a referendum not less than seven (7) days nor more than fourteen (14) days thereafter.
2. Upon certification by the Town Clerk that a petition, consisting of at least two hundred (200) validated signatures and consistent with Connecticut General Statutes sections 7-7, 7-9 and 7-9a, has been filed for a referendum upon the Annual Town Budget or any other action that may properly be brought before a Town Meeting.

2.6 Petition for Special Town Meeting for Enactment of Ordinances or Other Action

A Special Town Meeting to consider the enactment of an ordinance or other action shall be called upon certification by the Town Clerk that a petition, consisting of at least fifty (50) validated signatures and consistent with Connecticut General Statutes sections 7-2, 7-9 and 7-9a, has been filed for such Special Town Meeting.

Any such proposed ordinance or other action shall be examined by Town Counsel before being submitted to a Special Town Meeting. Town Counsel is authorized to modify the form of such ordinance or other action to avoid repetition, illegalities and unconstitutional provisions, and to assure accuracy in its text and references, and clarity and precision in its phraseology, but not to change materially its meaning and effect. Town Counsel shall also declare if such ordinance or other action would be unlawful.

The Board of Selectmen shall call a Special Town Meeting, to be held not more than twenty-one (21) days from the date of the Town Clerk's certification as to the sufficiency of the petition.

The call for such Special Town Meeting shall state the proposed ordinance or other action in full and shall provide for a "yes" or "no" vote as to its enactment.

By a majority vote of those qualified voters present and voting, such ordinance or other action shall pass and shall become effective on the fifteenth (15th) day thereafter, unless publication is required, in which event, the Board of Selectmen shall promptly provide for such publication and for the ordinance or action to take effect on the twenty-first (21st) day thereafter.

ARTICLE 3. BOARD OF SELECTMEN

3.1 Number of Selectmen

Upon full implementation of this Charter according to Article 11, the Board of Selectmen shall consist of five (5) members, the First Selectman and four (4) additional Selectmen, each of whom individually shall be known as a Selectman.

3.2 Term of Office

All Selectmen, including the First Selectman shall be elected for a term of four (4) years. The First Selectman shall be elected every four (4) years and two (2) additional Selectmen shall be elected every successive biennial election as provided in Article 11.

Vacancies in the offices of First Selectman or Selectman shall be filled in the manner prescribed in Section 9-222 of the Connecticut General Statutes.

3.3 General Powers and Duties

1. The Board of Selectmen shall have the powers and duties which are conferred by the Connecticut Constitution , applicable Connecticut General Statutes and Article 7 of this Charter
2. Except as otherwise provided by the Connecticut General Statutes or this Charter, no action shall be taken by the Board of Selectmen unless a majority of its members present at a duly convened meeting votes in favor of such action.
3. The Board of Selectmen shall appoint and may remove administrative officials and employees as provided for in Article 8.
4. The Board of Selectmen shall approve all contracts before authorizing the First Selectman to sign such contracts on behalf of the Town.
5. The Board of Selectmen shall determine and set all policies for the operation of the Town which are not specifically granted to another Board or Commission by law or this Charter, and shall develop, annually review, and modify as needed, goals to be accomplished over the next five (5) years.
6. The Board of Selectmen shall, by an affirmative vote of at least three (3) members, prepare the Town Operating Budget in accordance with Article 9 of this Charter.
7. The Board of Selectmen may propose to a Special Town Meeting the adoption of a proposed Ordinance and / or the repeal or amendment of an existing Ordinance.
8. The Board of Selectmen may create, consolidate, modify or abolish temporary appointive committees, boards, agencies or offices unless otherwise provided in this Charter.
9. The Board of Selectmen shall appoint and prescribe the powers and duties of the members of all permanent or temporary appointive commissions, boards, agencies or officials. The Board of Selectmen may remove members of such agencies according to the provision of Section 8.1 of this Charter

10. The Board of Selectmen may purchase real estate on behalf of the Town for a price less than or equal to \$10,000 subject to budgetary appropriations.
11. The Board of Selectmen may sell any Town owned real estate assessed at less than or equal to \$10,000, as shown on the most recently completed grand list.
12. The Board of Selectmen may enter into real estate leases and/or lease options to which the Town is party and which are effective for a term of one (1) year or less, subject to budgetary appropriations.
13. The Board of Selectmen may apply for, or participate in, any federal, state, or private grant program, other than related to the Board of Education, that requires the Town to contribute an amount provided for in the current Annual Town Budget or that is approved by the Board of Finance.
14. The Board of Selectmen may act upon the recommendations of an appointed agency regarding the reappointment of its regular members or alternate members.
15. The Board of Selectmen, by an affirmative vote of a full majority, may require a referendum for approval of the Annual Town Budget.
16. Upon the affirmative vote of a full super-majority, the Board of Selectmen may hire or dismiss the Town Administrator in accordance with Article 8 of this Charter.
17. The Board of Selectmen shall make provision for public health and safety.
18. The Board of Selectmen shall ensure that proper competitive bidding and purchasing procedures are developed, defined and used by all Town agencies, except with respect to the Board of Education.
19. The Board of Selectmen may participate in and appoint representatives to state, regional and inter-town agencies as provided by law subject to limitations of this Charter.
20. The Board of Selectmen shall generally supervise the administrative affairs of the Town except those matters which by law or by this Charter, are exclusively committed to the Board of Education.
21. The Board of Selectmen, through the First Selectman and/or the Town Administrator, shall coordinate the activities and operations of the Town government and may convene joint meetings of Town agencies for such purposes, and may require such reports or information to be submitted by the agencies as the Board of Selectmen may deem necessary for such purposes.
22. The Board of Selectmen shall obtain fidelity bonds for such offices or officials as are to be

bonded by applicable Connecticut General Statutes or this Charter.

23. The Board of Selectmen may institute, prosecute, defend or compromise any legal action or proceedings by or against the Town.
24. The Board of Selectmen, in conjunction with the Board of Finance, shall compile the Annual Town Report referenced in Section 9.12 of this Charter.
25. No member of the Board of Selectmen, except the First Selectman, shall give orders, either publicly or privately, to any administrative officer or employee (as defined in Article 8 of this Charter), except that a properly constituted meeting of the Board of Selectmen may call before it any employee or official for the purposes of gathering information or conducting an investigation.

3.4 Procedure

At its first meeting following each biennial Town election, the Board of Selectmen shall fix the time and place of its regular meetings and provide a method for the calling of special meetings. It shall, by resolution, determine its own rules of procedure, except that each Selectman shall have the right to make a motion or offer a proposal which shall be considered by the Board of Selectmen without the necessity of a seconding motion. Motions must be approved by a majority vote of those present unless otherwise required by this Charter or applicable law.

At the first meeting of the Board of Selectmen after each biennial Town election, the Board shall select from its members a Deputy First Selectman, who will serve for a period of two (2) years. The Deputy First Selectman shall fulfill the duties and responsibilities of the First Selectman in the First Selectman's absence or disability.

Except as authorized by the Connecticut Freedom of Information Act, all meetings of the Board of Selectmen for the transaction of business shall be open to the public. The votes of each Selectman shall be recorded at the session at which they occur and reported in the minutes of such meeting.

No action, except a vote to adjourn or fix the time and place of the next meeting, shall be adopted without a quorum present.

3.5 Oath of Officials

The Board of Selectmen shall, forthwith after the election or appointment of any Town officials of whom an oath is required by law, and prior to such official taking office, cause them to be sworn to a faithful discharge of their respective duties by the Town Clerk. The Board of Selectmen shall see that notice of election or appointment of Town officials shall be in written form indicating if an oath is needed, as well as the time and location of the next regularly scheduled meeting of any appropriate agency.

ARTICLE 4. THE FIRST SELECTMAN

4.1 Chief Executive Officer

The First Selectman shall be the Chief Executive Officer of the Town.

During the absence or disability of the First Selectman, the Deputy First Selectman shall carry out the duties of the First Selectman.

The First Selectman shall be a full voting and participating member of the Board of Selectmen. He/she shall preside at meetings of the Board of Selectmen when present.

The First Selectman shall be an ex-officio member of all agencies of the Town (other than the Board of Education), but without power to vote. From time to time, the First Selectman may designate another Selectman or the Town Administrator to act as his/her representative on any agency, but without power to vote. Such designation may be effective for a specific or indefinite period, modifiable after notice by the First Selectman to the applicable designee and agency.

4.2 Duties

The First Selectman shall have all the powers, duties and responsibilities conferred upon that office by law, which are not inconsistent with this Charter, and shall have all the powers necessary or incidental to the discharge of his/her duties and responsibilities as set forth in this Charter.

For the purpose of Chapter 113 of the Connecticut General Statutes, the First Selectman shall have sole authority to recognize the exclusive bargaining agent for any unit of Town employees and shall act as the bargaining agent for the Town. Such contracts shall become effective upon approval by the Board of Selectmen.

To assist in the discharge of the duties and responsibilities of his/her office, and of the Board of Selectmen, the First Selectman may assign and delegate certain administrative duties to the Town Administrator as described in Article 5 of this Charter.

The First Selectman may assign and delegate duties to Selectmen and to hired administrative officials and employees.

In the event that the Town Administrator is not able to perform his/her duties, the First Selectman shall assume said duties.

Under the general policy direction of the Board of Selectmen, the First Selectman shall:

1. provide guidance to, set objectives and define administrative tasks for, the Town Administrator in the coordination and administration of the agencies of the Town, except those functions expressly reserved or delegated to such agencies by law;
2. implement ordinances, resolutions, policies, and other action voted by the Board of Selectmen or at the Town Meeting;
3. continuously review the current and future needs of the Town and, in connection therewith, he/she may require reports and information to be submitted by the Town Administrator or any agency through the Town Administrator;
4. coordinate and guide the Board of Selectmen in the discharge of all the Board of Selectmen's

- duties and responsibilities; and
5. prepare a meeting agenda, in conjunction with the Town Administrator, for each Board of Selectmen meeting.

ARTICLE 5. ORDINANCES

5.1 General

Ordinances shall be subject to approval at a Town Meeting.

5.2 Public Hearing on Ordinances

At least one Public Hearing shall be held by the Board of Selectmen before any Ordinance shall be recommended by the Board of Selectmen for consideration at a Town Meeting.

5.3 Publication and Recording of Ordinances

Every ordinance, after passage, shall be given a serial number and be recorded by the Town Clerk in a manner which shall be properly indexed, and available for inspection and copying by the public at reasonable hours. Within ten (10) days after final passage, the text of each ordinance shall be made publicly available, unless a summary is published as provided in Section 7-157(b) of the Connecticut General Statutes.

Every Ordinance shall become effective on the twenty-first (21st) day after such publication, unless it specifies a later date.

ARTICLE 6. GENERAL ELECTIONS

6.1 General

Nomination and election of state and federal officials and such elective Town officials, boards and commissions as are provided for in Article 7.3 of this Charter, shall be conducted, and the registrars of voters shall prepare lists of electors qualified to vote therein, in the manner prescribed in the Connecticut Constitution and the general and special laws of the State applicable to the Town, except as hereinafter provided.

Regular Town Elections shall take place on the first Tuesday after the first Monday in November of each odd numbered year.

Special Town Elections may be called from time to time in accordance with the Connecticut General Statutes.

6.2 Minority Representation

Membership on all elected and appointed agencies shall be determined in accordance with the minority representation law as set forth in the Connecticut General Statutes.

Total membership	Maximum from one party
3	2
4	3
5	4
6	4
7	5
8	5
9	6
More than 9	Two-Thirds of Total membership

6.3 Eligibility for Office

Only a person who is, at the time of his/her election, an elector, shall be eligible for election to any Town office, and any person ceasing to be an elector shall thereupon automatically cease to hold elective office in the Town. All elected officials shall be sworn before taking office and the official administering the oath shall record such fact in the office of the Town Clerk.

6.4 Breaking a Tie

When any election for a Town office conducted pursuant to the provisions of this Charter results in a tie, an adjourned election shall be conducted in accordance with the provisions of section 9-332 of the Connecticut General Statutes.

When any referendum question conducted pursuant to the provisions of this Charter results in a tie, the referendum shall be deemed to be defeated.

ARTICLE 7. ELECTIVE OFFICIALS AND AGENCIES

7.1 General Powers and Duties

Except as otherwise provided in this Charter, all elective agencies of the Town shall have the powers and duties prescribed by the Connecticut General Statutes.

Each elective agency shall hold an organizational meeting during December following Town elections, at which meeting the agency shall elect officials and establish a regular schedule of meetings for the ensuing year.

As authorized by Section 7-421(e) of the Connecticut General Statutes, a municipal employee of the Town, who is an elector of the Town and is not otherwise disqualified from serving, may serve as a member or an alternate of any elective boards or commissions.

No agency shall conduct business unless a quorum shall be present, except as otherwise provided by the Connecticut General Statutes. No agency shall meet at the same time as the Annual Town Meeting or the Annual Town Budget hearing is being held.

Any agency may, by an affirmative vote of a full majority, adopt bylaws or rules for its operation that are not in conflict with provisions of this Charter. Such bylaws or rules shall be filed with the Town Clerk and made readily available to the public.

Any political party may nominate a number of candidates for election to an elective agency, except as otherwise provided in this Charter, equal to the number of members of said board to be elected at such election. Any elector may vote for all of that number and the persons receiving the greatest number of votes shall be elected, except when the number of members of a political party who would be elected exceeds the maximum number as determined by the minority representation requirements of Article 6 of this Charter. In such case, only the candidates of such political party with the highest number of votes, up to the limit of such maximum according to Article 6.2, shall be elected. The next highest ranking candidates not from such political party shall be elected, up to the number of places to be filled in such election.

In accordance with Section 7-340a of the Connecticut General Statutes, if a regular member of the Board of Finance is absent or disqualified, such absent or disqualified member of the Board of Finance shall designate an alternate so to act. In the event that an absent or disqualified regular member of the Board of Finance shall fail or refuse to designate an alternate to so act, the majority of regular members of the Board of Finance not absent or disqualified may designate an alternate subject to provisions of Article 6.2 of this Charter, to so act for such absent or disqualified regular member. If a regular member of any other agency is absent or is disqualified, the Chairman of the agency shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly as possible, an equal number of times. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting. Alternate members shall, when seated as herein provided, have all the powers and duties prescribed by law and shall be deemed as full members for the purposes of this Article.

7.2 Terms of Office

The terms of office for each elective official shall be as provided in this Charter. All terms of office commence on the second Monday after election and qualification, except as specified for the Registrars of Voters. All elective officials shall hold office until their successors have been chosen and qualified.

7.3 Elective Officials

At each applicable biennial Town election, based on the expiration of the term of an incumbent in office, the following Town officials and members of the following agencies shall be elected:

7.3.1 First Selectmen and Selectmen

The First Selectman shall be elected for a term of four (4) years and shall exercise the powers and duties prescribed in Chapter 91 of the Connecticut General Statutes, as it may be amended from time to time and as prescribed in Article 3 and Article 4 of this Charter. When there is an election for First Selectman, the votes cast for the unsuccessful candidate or candidates for First Selectman shall be counted as votes for the same candidate or candidates as a Selectman.

Four (4) Selectmen shall be elected, each of whom shall be elected for a term of four (4) years, and shall exercise the powers and duties prescribed in Chapter 91 of the Connecticut General Statutes, as it may be amended from time to time and as prescribed in Article 3 of this Charter.

7.3.2 Board of Education

The Board of Education shall consist of nine (9) members, each of whom shall be elected for a term of six (6) years, and shall exercise the powers and duties prescribed in Chapter 170 of the Connecticut General Statutes, as it may be amended from time to time.

7.3.3 Board of Finance

The Board of Finance shall consist of six (6) regular members and three (3) alternate members, each of whom shall be elected for a term of six (6) years, and shall exercise the powers and duties prescribed in Chapter 106 of the Connecticut General Statutes, as it may be amended from time to time.

7.3.4 Planning and Zoning Commission

The Planning and Zoning Commission shall consist of seven (7) regular members and three (3) alternate members, each of whom shall be elected for a term of six (6) years, and shall exercise the powers and duties prescribed in Chapters 124 and 126 of the Connecticut General Statutes, as they may be amended from time to time.

7.3.5 Zoning Board of Appeals

The Zoning Board of Appeals shall consist of five (5) regular members and three (3) alternate members, each of whom shall be elected for a term of six (6) years, and shall exercise the powers and duties prescribed in Chapter 124 of the Connecticut General Statutes, as it may be amended from time to time.

7.3.6 Board of Assessment Appeals

The Board of Assessment Appeals shall consist of three (3) members, each of whom shall be elected for a term of four (4) years, and shall exercise the powers and duties prescribed in Chapter 203 of the Connecticut General Statutes, as it may be amended from time to time.

7.3.7 Registrars of Voters

Two (2) Registrars of Voters shall be elected for terms of four (4) years in accordance with Section 9-189a of the Connecticut General Statutes. Each registrar may appoint an assistant. The Registrars shall exercise the powers and duties prescribed in Title 9 of the Connecticut General Statutes, as it may be amended from time to time.

7.3.8 Library Board of Trustees

The Library Board of Trustees shall consist of nine (9) members, each of whom shall be elected for a term of six (6) years, and shall exercise the powers and duties prescribed in Chapter 190 of the Connecticut General Statutes, as it may be amended from time to time.

7.4 Vacancies in Elective Officials, Boards & Commissions

Unless otherwise provided by Connecticut General Statutes or this Charter, any vacancy in any elective agency, from whatever cause arising, shall be filled by appointment by the Board of

Selectmen until the next biennial Town election at which a ballot position shall be created for the remainder of the unexpired term.

If the person vacating the office shall have been elected as a member of a political party, such appointment to fill the vacancy shall be an elector with the same political party affiliation.

The Board of Selectmen shall first endeavor to fill the vacancy with an alternate member of such agency with the same political affiliation as the member who created the vacancy. If no such alternate exists, or if no such alternate is willing to fill the vacancy, the Board of Selectmen shall appoint to fill the vacancy as specified above.

If such vacancy is not so filled by the Board of Selectmen within sixty (60) days from the time of its occurrence, it shall be filled by the agency in which the vacancy occurred in accordance with the same criteria.

When a vacancy occurs in the office of the First Selectman, or in the Board of Selectmen, it shall be filled within thirty (30) days after the day of its occurrence by the remaining members of the Board of Selectmen, or as otherwise provided under the provisions of Section 9-222 of the Connecticut General Statutes.

ARTICLE 8. APPOINTIVE OFFICIALS, AGENCIES and EMPLOYEES

8.1 Appointive Officials and Agencies.

The Board of Selectmen shall appoint the officials and the agencies of the Town identified in this Article, unless otherwise specified herein or in the Connecticut General Statutes. All appointees shall serve for terms established in accordance with this Article. All appointive agencies of the Town shall have the powers and duties prescribed by the Connecticut General Statutes to the extent applicable.

The Board of Selectmen shall provide the services required by law and those required for the efficient and orderly operation of the Town, either through duly hired or appointed officials, employees or agencies, or through the use of regional entities. These officials, employees, agencies or services shall include but not be limited to those specified in this Article.

Only a person who is, at the time of his/her appointment, an elector, shall be eligible for appointment to any agency, and any person ceasing to be an elector shall thereupon automatically cease to hold appointive office in the Town.

As authorized by Section 7-421(e) of the Connecticut General Statutes, a municipal employee of the Town who is an elector of the Town, and is not otherwise disqualified from serving, may serve as a member or an alternate of any appointive agency, including the Inland Wetlands Commission.

No agency shall conduct business unless a quorum shall be present, except as otherwise provided by the Connecticut General Statutes. No agency shall meet at the same time an Annual Town Meeting or an Annual Budget Hearing is being held.

Any agency may, by an affirmative vote of a full majority, adopt bylaws or rules for its operation that are not in conflict with provisions of this Charter. Such bylaws or rules shall be filed with the Town Clerk and made readily available to the public.

Any agency shall, by a majority vote, make recommendations regarding the reappointment of members whose terms are about to expire.

Vacancies

Except as otherwise required by law, vacancies in appointive agencies shall be filled for the unexpired term in the same manner as appointments are made. Except as otherwise required by law, if no appointment shall be made by the Board of Selectmen within sixty (60) days following notification to said Board of a vacancy, the remaining members of the agency may fill said vacancy thereafter by a majority vote of the remaining members of said agency. If the person vacating the office shall have been appointed as a member of a political party, such vacancy shall be filled by a member of the same political party.

Removals

Except as otherwise provided in this Charter, any appointive official or appointive member of an agency may be removed for cause by the Board of Selectmen, provided he/she shall first be given notice in writing of his/her removal. Said official shall upon written request to the Board of Selectmen within ten (10) days from the date of receipt of his/her removal notice, be immediately given notice in writing of the specific grounds of removal. Thereafter, if requested (either in the request for specific grounds or in a subsequent request submitted to the Board of Selectmen within five (5) days from the receipt of such specific grounds), said official shall be given written notice from the Board of Selectmen setting forth the time and place of an opportunity to be heard in his/her own defense, personally and/or by counsel, at a hearing before the Board of Selectmen which shall be open to the public, to be held not less than five (5) and not more than twenty (20) days after receipt of such request for hearing.

8.1.1 Commission on Aging

The Commission on Aging shall consist of nine (9) members, each of whom shall be appointed for a term of three (3) years.

The Commission shall study and analyze the needs and condition of Lebanon's aging in both the public and private sectors, in relation to housing, economics, employment, transportation, health, social services, recreation and other matters as shall be deemed necessary by the Commission.

The Commission shall also develop and implement programs to meet the needs and improve the conditions of the aging, shall make recommendations to the Board of Selectmen regarding services to the aging, and shall be the directing agency for the Senior Center.

The Commission shall identify opportunities for federal, state, local and private funds for elderly programs, and advise the Board of Selectmen in interpreting requirements and implementing grants and related policies. In this role, the Commission shall exercise the powers and duties prescribed in Chapter 97 of the Connecticut General Statutes, as it may be amended from time to time.

8.1.2 Conservation and Agriculture Commission

The Conservation and Agriculture Commission shall consist of seven (7) regular members and three (3) alternate members, each of whom shall be appointed for a term of three (3) years, and shall exercise the powers and duties prescribed in Chapter 97 of the Connecticut General Statutes, as it may be amended from time to time.

In addition, a resident of the Town under the age of eighteen (18), who is a student with an interest in agriculture, may serve as a non-voting member appointed by the Board of Selectmen.

The Commission shall advocate for and advise Town agencies, civic groups and citizens regarding conservation and agricultural issues. The commission shall recommend lands for preservation, provide information and guidance regarding protection of natural resources and agricultural viability. It shall advise the Town regarding economic factors, taxation, preservation and expansion of agricultural enterprises, natural resources and passive recreation activities.

8.1.3 Economic Development Commission

There shall be an Economic Development Commission for the promotion of the business and industrial resources of the Town of Lebanon, consisting of five (5) regular members and three (3) alternate members, each of whom shall be appointed for a term of five (5) years. . The Commission shall exercise the powers and duties prescribed in Chapter 97 of the Connecticut General Statutes, as it may be amended from time to time.

8.1.4 Inland Wetlands Commission

The Inland Wetlands Commission shall consist of nine (9) members, each of whom shall be appointed for a term of three (3) years, and shall exercise the powers and duties prescribed in Chapter 440 of the Connecticut General Statutes, as it may be amended from time to time.

The Commission shall be authorized to enact such regulations in conformity with the regulations promulgated by the Connecticut Department of Energy and Environmental Protection with due consideration to the standards set forth in Public Act 155 of the 1972 Session of the General Assembly, as amended, as are necessary to protect the inland wetland and watercourses within the Town, and to charge a reasonable fee for any application made to it under such regulations.

The Commission shall hold a Public Hearing prior to enactment or amendment of such regulations.

8.1.5 Recreation Commission

The Recreation Commission shall consist of nine (9) members, each of whom shall be appointed for a term of three (3) years.

The Commission shall be responsible for the administration, management, control and development of a public recreation program in the Town and may adopt by-laws, rules and regulations pertaining thereto. The Commission may accept contributions for the furtherance of its work; may levy fees or charges for services or for the use of facilities under its control; may work jointly with other agencies in providing public recreation; and may provide, conduct and supervise public playgrounds, athletic fields, recreation centers and other recreation facilities and activities on any of the properties owned or controlled by the Town or on any other property with the consent of the owners or the Town authority having jurisdiction thereof.

8.1.6 Cemetery Commission

The Cemetery Commission shall consist of seven (7) members, each of whom shall be appointed for a term of three (3) years, and shall exercise the powers and duties prescribed in Chapter 368j of the Connecticut General Statutes, as it may be amended from time to time.

8.1.7 Commission on Children and Families

The Commission on Children and Families shall consist of nine (9) regular members, each of whom shall be appointed for a term of three (3) years, and shall exercise the powers and duties prescribed in Chapter 319 of the Connecticut General Statutes, as it may be amended from time to time.

In addition, the commission may have two non-voting members who shall be under the age of eighteen (18) upon their initial appointment.

Of the nine regular Commission members, one (1) shall hold the office of the Municipal Agent for Children, one (1) shall be an employee or representative of the Board of Education, one (1) shall be a member of the clergy with a congregation in the Town, and the remaining six (6) members shall be selected from the community at-large.

The Commission shall have the authority to promote and enhance services that respond to the needs and concerns of children, youth and families. The Commission shall hold public meetings at which citizens and community groups who have specific concerns regarding local children, youth and families issues may be heard. The Commission shall, from time to time, identify and assess existing youth and family issues for the Town and facilitate communication in and among existing local groups and organizations who are currently involved in promoting youth and family programs, to better coordinate existing services. The Commission shall be responsible for informing the Board of Selectmen regarding the Town's eligibility for state and federal funding as well as submitting an annual budget to the Board of Selectmen. The Commission shall submit an annual report to the Town on its activities.

8.1.8 Solid Waste Commission

The Solid Waste Commission shall consist of five (5) regular members and two (2) alternate members, each of whom shall be appointed for a term of three (3) years, and shall exercise the powers and duties prescribed in Chapter 446d of the Connecticut General Statutes, as it may be amended from time to time.

The Commission shall oversee the operation of the Lebanon Solid Waste Facility and the maintenance of the closed landfill.

8.1.9 Water Pollution Control Authority

The Lebanon Water Pollution Control Authority (referred to as the "WPCA"), shall consist of seven (7) members, each of whom shall be appointed for a term of three (3) years, and shall exercise the powers and duties prescribed in Chapter 103 of the Connecticut General Statutes, as it may be amended from time to time.

The WPCA shall adopt rules and regulations concerning connections to any sewage system giving due consideration to capacity and existing connections and shall establish fair and reasonable rates for said connections and use of the system after a Public Hearing as set forth in Section 7-255 of the Connecticut General Statutes.

8.1.10 Local Emergency Planning Team

There shall be an agency known as the Local Emergency Planning Team, membership of which shall include the First Selectman, Emergency Management Director, Deputy Emergency Management Director, Fire Chief, Police Department Officer, Superintendent of Schools, Fire Marshal, Public Works Director and Town Administrator.

The Local Emergency Planning Team shall meet at least once annually and at other times as deemed necessary by the First Selectman or the Emergency Management Director.

The Local Emergency Planning Team shall operate under the direction of the First Selectman, and shall adopt and administer an emergency plan of operations as prescribed in Section 28-7 of the Connecticut General Statutes.

8.1.11 Flood and Erosion Control Board

The Board of Selectmen shall act as the Flood and Erosion Control Board, with all the authority, powers duties, and responsibilities of flood and erosion protection boards as prescribed in Chapter 447 of the Connecticut General Statutes, as it may be amended from time to time.

8.1.12 Board of Trustees for the Jonathan Trumbull Junior House Museum, LLC

There shall be a Board of Trustees for the Jonathan Trumbull Jr. House Museum, LLC. (Museum Board) consisting of seven (7) members, each of whom shall be appointed for a term of three (3) years. Six (6) members shall be appointed by the Board of Selectmen. One (1) member shall be appointed by the Lebanon Historical Society, Inc.

The unexpired term of vacancies of the Museum Board members appointed by the Board of Selectmen shall be filled by the Board of Selectmen.

The general oversight and management of the Jonathan Trumbull Jr. House Museum shall be carried out through the Jonathan Trumbull Jr. House Museum, LLC as a cooperative venture between the Town of Lebanon and the Lebanon Historical Society, Inc.

The Museum Board shall generally be responsible for the oversight of the Town-owned Museum and make recommendations to the Board of Selectmen on maintenance, infrastructure improvements and staffing.

The Museum Board shall recommend to the Board of Selectmen the hiring of a museum director and such other staff as may be required. The Museum Board shall have the responsibility for programming, acquisitions and other Museum activities.

The Museum Board shall make an annual report of its activities to the Town and shall submit annually a budget to the Board of Selectmen for their approval.

8.1.13 Justices of the Peace

There shall be a maximum of fifty-four (54) Justices of the Peace, appointed in accordance with Section 9-183a et seq. of the Connecticut General Statutes. The Justices of the Peace shall exercise the powers and duties prescribed in Chapter 877 of the Connecticut General Statutes, as it may be amended from time to time.

8.2 Hired Administrative Officials, Employees and Services

The Board of Selectmen shall appoint administrative officials and may hire employees as provided in this Article. As applicable, such officials and employees shall have powers and duties as are prescribed in the Connecticut General Statutes, except as otherwise provided by this Charter. The terms of all such officials, except as otherwise provided in the Charter, shall be set by the Board of Selectmen.

Unless otherwise provided by the Board of Selectmen, hired officials and employees need not be residents of the Town.

The Board of Selectmen is the hiring authority for the Town and shall establish uniform personnel, compensation and hiring practices that adhere to all federal, state and local laws. The Board of Selectmen shall consult with appropriate Town agencies and officials to establish job descriptions and requirements. Appropriate Town agencies may identify candidates, conduct interviews and recommend candidates for employment using procedures adhering to the uniform hiring practices. The Board of Selectmen shall have the final decision in hiring and dismissal of all staff, except with respect to Board of Education employees. All officials and employees shall receive compensation as determined by the Board of Selectmen and as provided in Article 10 of this Charter.

Except as otherwise provided by law or this Charter, any non-probationary employee of the Town may be removed for cause by the affirmative vote of a full majority of the Board of Selectmen. No such employee shall be removed without reasonable notice thereof and the opportunity to appear by himself/herself, or with counsel, before the Board of Selectmen at a public or private hearing at the option of said employee, which hearing shall take place not less than five (5) days nor more than fifteen (15) days after notice to such employee.

The Board of Selectmen may combine any of the positions provided for in this Article, provided that a qualified person is performing each assigned functions. The Board of Selectmen may upon

the affirmative vote of a full majority, hire or contract for services to perform the function of any hired employee when there is a vacancy in a duly created position.

8.2.1 Town Administrator.

The Town Administrator shall be the Chief Administrative Officer of the Town and shall carry out the policies of the Board of Selectmen. He/she shall work under the direction of, and assist the First Selectman and Board of Selectmen in conducting Town affairs by performing high level administrative, supervisory and research duties and functions as specified in this Charter, as may be properly delegated to him/her by the First Selectman or as may be determined by the Board of Selectmen, consistent with this Charter and applicable law.

The Town Administrator shall be hired by the Board of Selectmen, after having been chosen exclusively on the basis of technical and administrative qualifications, character, educational background, training/certification and professionally related experience. The Board of Selectmen may hire and discharge the Town Administrator upon the affirmative vote of a full super-majority.

The Town Administrator is responsible to and works under the general direction of the First Selectman and the Board of Selectmen. He/she shall be responsible for the administration of all Town departments and agencies, except the Board of Education and Town agencies whose head or members are elective officials. He/she shall coordinate the administration of the officials, agencies, and authorities of the Town appointed by the Board of Selectmen, except those functions reserved or delegated to such bodies by law or this Charter.

The Town Administrator, in conjunction with the First Selectman, shall prepare the Board of Selectmen meeting agendas, which shall include analysis of and recommendations on pertinent issues. The Town Administrator shall draft proposed policies, regulations and ordinances for action by the Board of Selectmen. He/she shall attend all meetings of the Board of Selectmen, except those executive sessions as determined by the Board, with the full right to participate in all discussions, but without the right to vote.

The Town Administrator shall keep the Board of Selectmen informed of state and federal grant programs for which the Town may be eligible and shall assist the Board in applying for and implementing the same.

The Board of Selectmen shall perform a formal written annual review of the Town Administrator.

8.2.2 The **Tax Assessor** shall exercise the powers and duties prescribed in Chapter 203 of the Connecticut General Statutes, as it may be amended from time to time.

8.2.3 The **Tax Collector** shall exercise the powers and duties prescribed in Chapter 204 of the Connecticut General Statutes, as it may be amended from time to time.

8.2.4 The **Town Clerk** shall exercise the powers and duties prescribed in Chapter 92 of the Connecticut General Statutes, as it may be amended from time to time.

8.2.5 The **Treasurer** shall exercise the powers and duties prescribed in Chapter 94 of the Connecticut General Statutes, as it may be amended from time to time.

8.2.6 Finance Director

The Finance Director shall have the following powers and duties, together with such additional powers and duties as the Board of Selectmen may confer upon him:

1. He/she shall be the Town Treasurer.
2. He/she shall be the agent of all Town funds and, except as otherwise provided by this Charter.
3. He/she shall be responsible for keeping and maintaining all Town accounts showing financial transactions of all departments and agencies of the Town, including the local Board of Education.
4. He/she shall assist in the preparation of the Annual Town Budget.

8.2.7 **Animal Control Services** shall exercise the powers and duties prescribed in Chapter 435 of the Connecticut General Statutes, as it may be amended from time to time.

8.2.8 **Building Official(s)** shall exercise the powers and duties prescribed in Chapter 541 of the Connecticut General Statutes, as it may be amended from time to time.

8.2.9 The **Director of Health** shall exercise the powers and duties prescribed in Chapter 368e of the Connecticut General Statutes, as it may be amended from time to time.

8.2.10 The **Emergency Management Director** shall exercise the powers and duties prescribed in Chapter 517 of the Connecticut General Statutes, as it may be amended from time to time.

8.2.11 The **Fire Marshal** shall exercise the powers and duties prescribed in Chapter 541 of the Connecticut General Statutes, as it may be amended from time to time.

8.2.12 The **Library Director** shall exercise the powers and duties prescribed in Chapter 190 of the Connecticut General Statutes, as it may be amended from time to time.

8.2.13 The **Municipal Agent for the Aging** shall exercise the powers and duties prescribed in Chapter 97 of the Connecticut General Statutes, as it may be amended from time to time.

8.2.14 **Police Service** shall exercise the powers and duties prescribed in Chapter 95 of the Connecticut General Statutes, as it may be amended from time to time

8.2.15 The **Burning Official** shall have such powers and duties as the Fire Marshall shall confer upon him/her.

8.2.16 The **Tree Warden** shall exercise the powers and duties prescribed in Chapter 451 of the Connecticut General Statutes, as it may be amended from time to time.

8.2.17 The **Sanitarian** shall exercise the powers and duties prescribed in Chapter 368e of the Connecticut General Statutes, as it may be amended from time to time.

8.2.18 The **Town Planner** shall have such powers and duties as the Board of Selectmen shall confer upon him/her, in conjunction with the Planning and Zoning Commission.

8.2.19 The **Wetlands Enforcement Officer** shall have such powers and duties as the Board of Selectmen shall confer upon him/her, in conjunction with the Inland Wetlands Commission.

8.2.20 The **Zoning Enforcement Officer**, who may not be a member of the Zoning Board of Appeals, shall have such powers and duties as the Board of Selectmen shall confer upon him/her, in conjunction with the Planning and Zoning Commission.

8.2.21 The **Recreation Director** shall have such powers and duties as the Board of Selectmen shall confer upon him/her, in conjunction with the Recreation Commission.

8.2.22 The **Senior Center Director** shall have such powers and duties as the Board of Selectmen shall confer upon him/her, in conjunction with the Commission on Aging.

8.2.23 The **Social Services Director** shall have such powers and duties as the Board of Selectmen shall confer upon him/her.

8.2.24 **Veterans Affairs** official(s) shall exercise the powers and duties prescribed in Chapter 506 of the Connecticut General Statutes, as it may be amended from time to time.

8.2.25 The **Town Sexton** shall exercise the powers and duties prescribed in Chapter 93 of the Connecticut General Statutes, as it may be amended from time to time and shall have such powers and duties as the Board of Selectmen shall confer upon him/her, in conjunction with the Cemetery Commission.

8.2.26 The **Public Works Director** shall have such powers and duties as the Board of Selectmen shall confer upon him/her.

8.3 Fees, Fines and Levies

All fees, fines and levies of every kind paid to or levied by any appointed Town officer shall, to the extent not otherwise provided by law, promptly be remitted to the Finance Director and deposited in the general fund of the Town.

ARTICLE 9. FINANCE AND TAXATION

9.0 General

The Town Operating Budget shall mean all expenses needed to conduct the daily operations of all Town agencies and departments.

The Board of Education Operating Budget shall be as prescribed by Connecticut General Statutes.

The Non-Operating Budget shall mean capital funds, non-recurring funds, debt service, contingency funds, and other funds that do not affect the daily operations of Town agencies and departments or the daily operations under the direction of the Board of Education.

9.1 Fiscal Year

The fiscal year of the Town shall begin on the first day of July and end on the 30th day of June of the following year.

9.2 Financial Plan.

No sooner than October 1 and no later than November 15 of the current fiscal year, the Board of Finance shall advise the Board of Selectmen and the Board of Education regarding the financial status of the Town including, but not limited to, financial obligations, fixed costs, bond issues, contractual obligations and expected revenues, and an overall objective for the Annual Town Budget for the upcoming fiscal year.

The Finance Director shall provide such information as the Board of Finance requests for such report.

9.3 Duties of the Board of Selectmen regarding the Town Operating Budget.

Once each year, at such time and in such manner as the Board of Selectmen may require, the Town Administrator shall obtain from every commission, board, agency and office which is supported wholly or in part by Town revenues, or for which specific appropriation is, or may be made, an itemized estimate for the upcoming fiscal year, of all expenditures and revenues to be received, other than Town appropriations raised by taxes. The estimates shall be accompanied by such other reports and information as the Board of Selectmen may require. The Town Administrator shall compile a Town Operating Budget estimate consisting of the agencies' budget estimates, revenue estimates and his/her recommendations, and shall present it to the Board of Selectmen. The Board of Selectmen shall examine such proposed budget and make revisions as it deems necessary, with due consideration of public health and safety, the financial objectives provided by the Board of Finance, the Plan of Conservation and Development provided by the Planning and Zoning Commission, and the priorities of the Town.

The Board of Selectmen shall hold one or more meetings to review the proposed Town Operating Budget and may require officials to attend such meeting(s) for the purpose of clarification and to provide appropriate background relating to the requested budget. Agendas for such meetings shall include the portions of the Town Operating Budget that will be discussed.

On or before March 1st, the Board of Selectmen shall submit to the Board of Finance the proposed Town Operating Budget with line item detail for the upcoming fiscal year. The Board of Selectmen shall also submit to the Board of Finance the capital needs for the upcoming and following four (4) fiscal years. The Board of Selectmen shall include such additional information as may be requested by the Board of Finance.

9.4 Duties of the Board of Education regarding the Board of Education Operating Budget

Once each year, on or before March 1st, the Board of Education shall submit to the Board of Finance its estimate of the receipts and expenditures for the upcoming fiscal year, and the proposed Board of Education Operating Budget for the upcoming fiscal year. Such budget shall be in the form prescribed by the State Board of Education, and shall include such additional information as may be requested by the Board of Finance. The Board of Education shall also submit to the Board of Finance its capital needs for the upcoming and following four (4) fiscal years.

9.5 Duties of the Board of Finance regarding the Annual Town Budget.

9.5.1. The Board of Finance shall prepare the Non-Operating Budget consisting of capital funds, non-recurring funds, debt service, contingency funds, and other funds that do not affect the daily operations of Town agencies and departments or the daily operations under the direction of the Board of Education.

The Town may establish a contingency account within the General Fund amounting to a maximum of no greater than two (2) percent of the total Annual Town Budget.

The Board of Finance shall afford the Board of Selectmen and Board of Education an opportunity to be heard regarding the Town Operating Budget and Board of Education Operating Budget.

The Board of Finance may require the Board of Selectmen and the Board of Education, to attend Board of Finance meetings for the purpose of clarification or to provide appropriate background relating to specific items in the requested budget. The Board of Selectmen and the Board of Education may bring appropriate personnel to such meetings to assist in providing such information.

Thereafter, the Board of Finance shall have the authority to change only the total requested appropriation of Town Operating Budget and the total requested appropriation of the Board of Education Operating Budget.

If the Board of Finance revises the total appropriation for the Town Operating Budget or the Board of Education Operating Budget, the Board of Selectmen and Board of Education shall, within five (5) days, make revisions to such budgets that reflect the revised total appropriation, and report such revisions with line item detail to the Board of Finance.

The Board of Finance will then prepare a proposed Annual Town Budget, considering its financial objectives provided according to Section 9.2, which shall contain the revised Town Operating Budget, the revised Board of Education Operating Budget and the Non-Operating Budget.

The proposed Annual Town Budget shall include estimates of fund balances for the current fiscal year, net taxable grand list, tax rate, and recommendations for capital projects and methods of

financing and recommendations of an appropriation to the contingency account, and shall provide a comparison to all items in the current fiscal year.

9.5.2. The Board of Finance shall hold one or more Public Hearings prior to April 15th of each year, at which time the Board of Finance shall present the proposed Annual Town Budget, including the Town Operating Budget and Board of Education Operating Budget, as they may have been revised, and the Non-Operating Budget. Any elector or qualified voter shall have an opportunity to be heard regarding the recommended appropriations for the upcoming fiscal year.

At least ten (10) days in advance of any Public Hearing on the Annual Town Budget, the Board of Finance shall provide notice of such Public Hearing and shall cause such notice to be published in a newspaper having general circulation in the Town or by other means approved for such purposes by the applicable Connecticut General Statutes, which notice shall state where copies of the proposed Annual Town Budget may be obtained. One (1) week prior to the Public Hearing, as well as at the Public Hearing, sufficient copies of the proposed Annual Town Budget shall be made available for general distribution.

9.5.3. Following the Public Hearing(s), the Board of Finance may revise the proposed Annual Town Budget as it deems advisable, giving due and proper consideration to the comments made at the Public Hearing(s), and convene a meeting of the Board of Selectmen and Board of Education for discussion of the reasons for any revisions from the originally proposed Town Operating Budget and Board of Education Operating Budget. The Board of Finance shall have the authority to change only the total appropriation of the Town Operating Budget and the total appropriation of the Board of Education Operating Budget.

If the Board of Finance revises the total appropriation for the Town or the Board of Education Operating Budgets, the Board of Selectmen and the Board of Education shall, within five (5) days, make revisions to such budgets that reflect the revised total appropriation, and shall report such revisions with line item detail to the Board of Finance.

The Board of Finance may modify the Non-Operating Budget as it deems necessary. The Board of Finance will then prepare a revised Annual Town Budget, considering its financial objectives provided according to Section 9.2, the revised Town and Board of Education Operating Budgets, and the Non-Operating Budget. The revised Annual Town Budget shall include estimates of fund balances for the current fiscal year, net taxable grand list, tax rate, and recommendations for capital projects and methods of financing and recommendations of an appropriation to the contingency account, and shall provide a comparison to all items in the current fiscal year.

9.6 Annual Town Meeting

The Board of Finance shall file such proposed Annual Town Budget with the Town Clerk at least five (5) days prior to the Annual Town Meeting. At the Annual Town Meeting, the proposed Annual Town Budget shall be presented. The Board of Education shall present the Board of Education Operating Budget, the Board of Selectmen shall present the Town Operating Budget, and the Board of Finance shall present all other portions of the total Annual Town Budget. Provided budget approval has not been petitioned to referendum pursuant to Section 2.5 of this Charter, or by action of the Board of Selectmen pursuant to Section 3.3 of this Charter, the

Annual Town Meeting may approve or reject the proposed Annual Town Budget by a majority vote of qualified voters.

If the budget is not approved at the Annual Town Meeting, the proposed budget shall be returned to the Board of Finance for modification. The Board of Finance shall review the Annual Town Budget and revise it consistent with the expressed interest of the Town, sound financial planning and consultation with the Board of Selectmen and Board of Education. The Board of Finance shall have the authority to change only the total appropriations requested for the Town Operating Budget or the Board of Education Operating Budget, and may revise any portion of the Non-Operating Budget.

If the Board of Finance changes the total appropriation for the Town Operating Budget or the Board of Education Operating Budget, the Board of Selectmen and Board of Education shall, within five (5) days, make revisions to such budgets that reflect the revised total appropriation, and shall report such revisions with line item detail to the Board of Finance.

The Board of Finance may hold additional meetings or Public Hearings as it deems necessary or appropriate.

The Board of Finance shall then propose a further revised Annual Town Budget which shall be made available to the public. The revised Annual Town Budget shall be approved or rejected at the reconvened Annual Town Meeting which shall be held at the same time of day on the soonest subsequent Tuesday unless it has been petitioned to referendum pursuant to Section 2.5 of this Charter, or by action of the Board of Selectmen pursuant to Section 3.3 of this Charter. At such reconvened Annual Town Meeting, all revisions to the Annual Town Budget shall be explained prior to voting.

9.7 Budget Referendum

If a petition is filed to submit the Annual Town Budget to referendum pursuant to Section 2.5, or the Board of Selectmen has voted to submit the budget to referendum pursuant to Section 3.3, the portions of the Annual Town Budget Meeting agenda pertaining to the budget shall be adjourned after the budget is discussed. All other duly warned Town business according to Section 2.2 shall be completed at the Annual Town Budget Meeting. The proposed Annual Town Budget as presented, and without amendment, shall be submitted to referendum. The Board of Selectmen shall set the date, location and time of said referendum.

9.7.1 Ballot

The Board of Finance shall clearly state the voting alternatives on the ballot and clearly provide the choice of approval or rejection of the proposed budget. The ballot shall contain the total amount of the proposed budget which includes the Non-Operating portion of the budget, the Board of Education Operating Budget and the Town Operating Budget.

Such referendum ballot shall include non-binding advisory questions asking if the Town Operating Budget is too high, too low or acceptable and shall include a non-binding advisory question asking if the Board of Education Operating Budget is too high, too low or acceptable.

9.7.2 Referendum results

If the majority of eligible voters approves the proposed Annual Town Budget, such Annual Town Budget shall be adopted in its entirety.

The results of the referendum and the advisory questions shall be made available to the public at the Town Clerk's office, in official town publications or forums and such other means required by Connecticut General Statutes.

If the Annual Town Budget is rejected at the referendum the Board of Finance shall review the last proposed Annual Town Budget and revise it consistent with the expressed interest of the Town, sound financial planning and consultation with the Board of Selectmen and Board of Education. The Board of Finance shall have the authority to change only the total appropriations requested for the Town Operating Budget and the Board of Education Operating Budget, and may change any portion of the Non-Operating Budget.

If the Board of Finance revises the total appropriation for the Town Operating Budget or the Board of Education Operating Budget, the Board of Selectmen and the Board of Education shall, within five (5) days, make revisions to such budgets that reflect the revised total appropriation, and shall report such revisions with line item detail to the Board of Finance.

The Board of Finance shall then propose a further revised Annual Town Budget which shall be presented and discussed, but not voted upon, at a special Town Meeting preceding a reconvened referendum which shall occur at the earliest possible Tuesday after such revised budget is formulated.

The Board of Selectmen shall announce the date, location and time of the reconvened referendum. The referendum process set forth in the foregoing provisions of this Section shall govern the subsequent referendum and the process as outlined above shall be repeated until an Annual Town Budget has been approved.

9.8 Laying of Taxes

After the Annual Town Budget has been adopted, the Board of Finance shall meet and set a tax rate at a level sufficient to meet the Annual Town Budget as approved for the upcoming fiscal year, with due provision for estimated uncollectible taxes, abatements, and corrections, other estimated yearly income of the Town. At such meeting, the Board of Finance shall also set the dates that the taxes, at such rate, shall be due and payable.

If the Annual Town Meeting or referenda on the budget fail to pass an Annual Town Budget sufficiently early to permit issuance of tax bills, the Board of Selectmen may establish a temporary Mil Rate which is the same as or less than the previous tax year and which will be in effect until such time as a budget and associated Mil Rate is approved by the voters.

9.9 Appropriations

The adoption of the Annual Town Budget shall be deemed to constitute an appropriation to each line item therein of each agency, department or fund identified in such Annual Town Budget of the amount corresponding to the amount shown in the adopted Annual Town Budget. Each such

appropriation shall thereupon be available to be expended by each agency or department respectively for the line item purposes set forth in the Annual Town Budget; except that the Board of Education shall have the authority to expend its funds in accordance with the Connecticut General Statutes.

9.10 Issuance of Tax Bills

Property tax liability shall be levied and collected in accordance with Connecticut General Statutes. One hundred percent (100%) of motor vehicle taxes, fifty percent (50%) of personal property taxes, and fifty percent (50%) of real property taxes shall be payable in the first installment; except that if either of these property taxes is less than \$250.00, the entire amount of that tax shall be payable in the first installment. The remainder of the personal and real property taxes and any supplemental motor vehicle taxes shall be payable in the second installment.

9.11 Transfer of Funds

The Board of Selectmen may only transfer and re-appropriate funds between Town Operating Budget line items within a given agency or department.

The Board of Finance may authorize over-expenditures or transfers between agency or department budgets up to the limit allowed by Connecticut General Statutes and may at their discretion require Town Meeting approval for such authorizations. Transfers between agency or department budgets which exceed Connecticut General Statute limits shall require approval at a Town Meeting.

The Board of Finance may transfer and appropriate funds from the contingency account up to the limit allowed by Connecticut General Statutes and may at their discretion require Town Meeting approval for such transfers or appropriations. Transfers and appropriations from the contingency account which exceed Connecticut General Statute limits shall require approval at a Town Meeting.

9.12 Annual Town Report

The Board of Finance, in conjunction with the Board of Selectmen, shall annually prepare and publish the Annual Town Report. Such report shall be available for distribution and shall contain the information required in Section 7-406 of the Connecticut General Statutes.

9.13 Audit

The Board of Finance shall annually designate an independent public accountant or firm of independent public accountants to audit the books and accounts of the Town as required by law. The audit will include all Town agencies (including the Board of Education), funds identified in the Annual Town Budget for the applicable fiscal year, and any other area as the auditor deems necessary.

9. 14 Budget Monitoring

The Board of Finance shall periodically summarize the expenditures of each agency on the basis of the records kept by the Finance Director, and shall provide to each agency a report showing actual and anticipated expenditures to aid the agencies in financial planning.

9.15 Final Budget Reconciliation

At the end of the fiscal year, the Board of Finance shall compile a final financial document showing the Annual Town Budget for that fiscal year, transfers, final allocations, and final expenditures. This document shall be a part of the Annual Town Report.

9.16 Expenditures Before Adoption of Budget

Expenditures prior to the final adoption of an Annual Town Budget shall be made in accordance with Section 7-405 of the Connecticut General Statutes.

ARTICLE 10. MISCELLANEOUS

10.1 Compensation and Reimbursement

Unless otherwise provided in this Charter, regular and alternate members of elective and appointive agencies, and non-hired officials, shall serve without compensation; except that the compensation of the First Selectman shall be recommended by the Board of Selectmen and included in the Annual Town Budget.

The amount of compensation, if any, to be paid to regular and alternate members of elective and appointive agencies and non-hired officials shall be set as provided in the Connecticut General Statutes and Town Ordinances.

Unless otherwise provided in this Charter or by law, regular and alternate members of elective and appointive agencies may be reimbursed for ordinary expenses incurred by said members in the performance of their duties, provided that such appropriation is included in the Annual Town Budget, and provided the expense has been authorized and approved by the agency for that purpose.

10.2 Conflict of Interest

It is the policy of the Town that any elective or appointive official, member of any commission, board or agency who has a financial interest, direct or indirect, in any contract, transaction or decision of any officer or agent of the Town or any commission, board or agency, shall disclose that interest to the Board of Selectmen, which shall record such disclosure upon the official record of its next meeting. Such financial interest shall disqualify such official or member of the commission, board or agency from participating in the award, assignment or discussion of such contract, transaction or decision. Noncompliance with this provision shall constitute grounds for removal of the official, commission, board or agency member from office and such contract, transaction or decision shall be voidable by the Board of Selectmen.

10.3 Existing Laws and Ordinances

All Connecticut General Statutes in their application to the Town, and all ordinances, by-laws, rules, and regulations of the Town and of its agencies, shall continue in effect except to the extent they are inconsistent with this Charter. All Special Acts of the Connecticut General Assembly or parts of any such Special Acts of the Connecticut General Assembly relating to the Town, not inconsistent with this Charter, shall continue in effect.

10.4 Rules of Construction and Saving Clause

This Charter is intended to avail, make use of and exercise the full home rule powers of the Town under Connecticut General Statutes Sections 7-187 through 7-201, inclusive, and any other Statute now in effect or hereafter enacted and any other home rule powers thereof under the Constitution of the State of Connecticut, under the common law, or otherwise.

No provision of this Charter shall be construed as intended to conflict with, or be inconsistent with, the Connecticut State Constitution or any Connecticut General Statute, but in all cases each provision of this Charter shall be construed, to the maximum extent possible, as an assertion of the Town's full power and authority to prescribe its organic law for the administration of its local affairs.

If any provision of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the application of the balance of the Charter in the context in which such provision so held invalid may appear, except to the extent that an entire Section of any Article of this Charter may be inseparably connected in meaning and effect with the provision to which such holding shall directly apply, in which case the entire Section will be deemed invalid.

10.5 Amendment of Charter

No less than once every three (3) years, the Board of Selectmen shall make a determination as to whether it is necessary or appropriate to appoint a Charter Revision Commission to consider amendments to this Charter.

This Charter may be amended in the manner prescribed in the Connecticut General Statutes for local action on Charters and Special Acts as the same may be from time to time amended.

ARTICLE 11. TRANSITION AND IMPLEMENTATION

11.1 Transfer of Powers

Between the effective date of this Charter and the next biennial Town election, all Boards, Commissions, agencies, committees and officials shall have those powers and duties which they had prior to the adoption of this Charter, unless otherwise specified.

The powers which are conferred and the duties which are imposed upon any agency by the Connecticut General Statutes, any Town ordinance, or pursuant to a Town Meeting, in force at the time this Charter shall take effect, if such agency is abolished by this Charter, shall be thereafter exercised and discharged by the agency upon which are imposed corresponding or like functions, powers and duties under the provisions of this Charter. All agencies abolished by the Charter, whether elective or appointive, shall continue in the performance of their duties until provisions shall have been made for the discontinuance of such agencies and the performance of their duties by other agencies created under the Charter and until the Board of Selectmen shall have notified the members of such agencies which are abolished by the Charter that their successors have qualified.

11.2 Effective Date

All Articles of this Charter shall be effective seven (7) calendar days after the November 2016 election, except as follows:

11.2.1 Previously elected Town Officials shall complete their previously elected terms of office and shall receive their previously established compensation before this Charter becomes effective for those offices.

11.2.2 If elected offices of Town Clerk, Tax collector or Treasurer become vacant for any reason, such office shall become a hired position under the provisions of Article 8 of this Charter

11.2.3 A special election shall be held no later than May 30, 2017 for two (2) Selectmen whose terms of office shall expire on November 18, 2019.

11.2.4 The position of Town administrator shall be effective not later than fourteen (14) days after the first biennial election after the effective date of this Charter.

11.3 Biennial Town Elections

Subject to Section 7.4 of this Charter with respect to filling vacancies, the following elections shall take place at biennial Town elections, with such newly elected officials succeeding the respective members whose terms in office will expire shortly after the election:

A First Selectman shall be elected in November, 2017 and at every second (2nd) biennial election thereafter.

Two (2) members of the Board of Selectmen shall be elected at each biennial election.

Three (3) members of the Board of Education shall be elected at each election.

Two (2) regular members and one (1) alternate member of the Board of Finance shall be elected at each election.

Two (2) regular members and one (1) alternate member of the Planning and Zoning Commission shall be elected at each election. One (1) additional regular member shall be elected in 2021 and at every third election thereafter.

One (1) regular member of the Zoning Board of Appeals shall be elected in 2019 and every third election thereafter. Two (2) regular members shall be elected at all other elections. One (1) alternate member shall be elected at every election.

One (1) regular member of the Board of Assessment Appeals shall be elected in 2019 and every second election thereafter. Two (2) regular member of the Board of Assessment Appeals shall be elected in 2017 and every second election thereafter.

Two (2) Registrars of Voters shall be elected in 2019 and every second election thereafter.

Three (3) members of the Library Board of Trustees shall be elected at each election.

11.4 Annual Town Appointments (in chronological order)

The following appointments shall be made by the Board of Selectmen, with newly appointed officials succeeding the respective members whose appointive terms will expire on that date:

on February 1

Three (3) members of the Commission on Aging shall be appointed each year.

One (1) regular member of the Economic Development Commission shall be appointed each year. One (1) alternate member shall be appointed in 2017 and every fifth year thereafter. One (1) alternate member shall be appointed in 2018 and every fifth year thereafter. One (1) alternate member shall be appointed in 2020 and every fifth year thereafter.

Three (3) members of the Recreation Commission shall be appointed each year.

Two (2) members of the Cemetery Commission shall be appointed each year. One (1) additional member shall be appointed in 2019 and every third year thereafter.

Three (3) regular members of the Commission on Children and Families and, if there are such members, up to two (2) student members shall be appointed each year.

Two (2) regular members of the Solid Waste Commission shall be appointed in 2017 and every third year thereafter. Two (2) regular members shall be appointed in 2018 and every third year thereafter. One (1) regular member shall be appointed in 2019 and every third year thereafter. One (1) alternate member shall be appointed in 2017 and every third year thereafter. One (1) alternate member shall be appointed in 2018 and every third year thereafter.

on April 1

Two (2) regular members of the Conservation and Agriculture Commission shall be appointed each year. One additional regular member shall be appointed in 2018 and every third year thereafter. One (1) alternate member and one (1) student member, if there is such a member, shall be appointed each year.

on May 1

Two (2) members of the Water Pollution and Control Authority shall be appointed each year. One additional member shall be appointed in 2018 and every third year thereafter.

on June 1

Three (3) members of the Inland Wetlands Commission shall be appointed each year.

on September 15

Two (2) members of the Board of Trustees for the Jonathan Trumbull Jr. House Museum shall be appointed in 2017 and every third year thereafter. Three (3) members shall be appointed in 2018 and every third year thereafter. One (1) member shall be appointed in 2019 and every third year thereafter.

ARTICLE 12. ORDINANCES SUPERSEDED BY THIS CHARTER

The following Lebanon Town Ordinances are superseded by provisions of this Charter.

1. ORDINANCE REGARDING THE APPROVAL OF CAPITAL PROJECTS (May 21, 2009).
2. AN ORDINANCE CONCERNING MEMBERSHIP OF TOWN EMPLOYEES ON TOWN OF LEBANON BOARDS AND COMMISSIONS (May 7, 2007).
3. ORDINANCE REGULATING MEMBERSHIP ON NON ELECTED BOARDS AND COMMISSIONS (Dec 4, 2005).
4. An Ordinance re: Board of Education Full Election of Membership (April 12, 2008).
5. AN ORDINANCE CONCERNING CREATION OF A NINE MEMBER BOARD OF EDUCATION (May 20, 1973).
6. AN ORDINANCE PROVIDING FOR THE ELECTION OF ALTERNATE MEMBERS TO THE BOARD OF FINANCE (April 30, 1985).
7. AN ORDINANCE CONCERNING THE ADOPTION OF ZONING AND PLANNING IN THE TOWN OF LEBANON, CREATING A PLANNING AND ZONING COMMISSION AND PROVIDING FOR ITS APPOINTMENT AND ELECTION. (December 18,1961).
8. AN ORDINANCE CONCERNING THE TERMS OF THE MEMBERS OF THE PLANNING AND ZONING COMMISSION AND PROVIDING FOR ALTERNATE MEMBERS OF THE PLANNING AND ZONING COMMISSION (April 30, 1985)
9. ORDINANCE CONCERNING FOUR YEAR TERMS OF REGISTRAR OF VOTERS AND TOWN CLERK (August 22, 1976).
10. REVISED ORDINANCE CONCERNING THE LEBANON COMMISSION ON AGING (August 31, 2007).
11. AN ORDINANCE CREATING A CONSERVATION AND AGRICULTURE COMMISSION (March 23, 2012)
12. REVISED ORDINANCE FOR THE ESTABLISHMENT OF AN ECONOMIC DEVELOPMENT COMMISSION (August 31, 2007).
13. AN ORDINANCE CONCERNING THE CREATION OF AN INLAND WETLAND COMMISSION FOR THE TOWN OF LEBANON (June 28,1974)
14. (REVISED ORDINANCE) AN ORDINANCE CONCERNING CREATION OF AN INLAND WETLAND COMMISSION FOR THE TOWN OF LEBANON (September 6, 1989)
15. AN ORDINANCE CREATING A RECREATION COMMISSION FOR THE TOWN OF LEBANON (January 4, 1975).
16. ORDINANCE FOR THE ESTABLISHMENT OF A CEMETERY COMMISSION FOR THE TOWN OF LEBANON. (July 20, 2010).
17. AN ORDINANCE FOR THE ESTABLISHMENT OF THE LEBANON COMMISSION FOR CHILDREN AND FAMILIES (September 13, 1994).
18. AN ORDINANCE FOR THE ESTABLISHMENT OF THE WATER POLLUTION CONTROL AUTHORITY (January 5, 2009).
19. AN ORDINANCE CREATING A LOCAL EMERGENCY PLANNING TEAM (August 31, 2007).
20. ORDINANCE REPEALING THE ORDINANCE CREATING A MUNICIPAL FLOOD AND EROSION CONTROL BOARD FOR THE TOWN OF LEBANON AND DESIGNATING BOARD OF SELECTMEN AS THE TOWN'S FLOOD AND EROSION

CONTROL BOARD (May 23, 2014)

21. AN ORDINANCE DISSOLVING THE BOARD OF HISTORICAL PRESERVATION FOR THE JONATHAN TRUMBULL JR. HOUSE MUSEUM AND DESIGNATING BOARD MEMBERS AS TRUSTEES FOR THE JONATHAN TRUMBULL JR. HOUSE MUSEUM, LLC (September 10, 2015)
22. AN ORDINANCE PROVIDING FOR THE NUMBER OF JUSTICES OF THE PEACE (April 27, 1996).
23. ORDINANCE RE: TAX ASSESSOR (April 12, 2008).
24. AN ORDINANCE CONCERNING A FOUR YEAR TERM OF OFFICE FOR THE TAX COLLECTOR (Sept 13, 1994).
25. AN ORDINANCE CONCERNING THE SALARY OF THE TOWN CLERK (July 24, 1984).
26. AN ORDINANCE FOR THE ESTABLISHMENT OF A REGIONAL ANIMAL CONTROL SERVICES (July 20, 2010)
27. A REVISED ORDINANCE PROVIDING FOR THE APPOINTMENT OF CONSTABLES FOR THE TOWN OF LEBANON IN LIEU OF CONSTABLES TO BE ELECTED AT THE REGULAR TOWN ELECTION (May 7, 2007).